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इस भाग में अलग संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
(Separate paging is given to this Part in order that it may be filed as a separate compilation)

भाग III—खण्ड ३

(PART III—SECTION 3)

लघु प्रशासनों से सम्बंधित अधिसूचनाएं

(Notifications relating to Minor Administrations)

GOVERNMENT OF PONDICHERRY

ABSTRACT

CONSTITUTION of a separate Police Service for the Union Territory of Pondicherry—Notification—Issued.

HOME (I) DEPARTMENT

Pondicherry, the 2nd September 1972

ORDER

G.O.Ms. No. 119-HMC(2).—The appended Notification, constituting a separate Police Service for the Union Territory of Pondicherry, will be published in the Pondicherry State Gazette.

(By order of the Lieutenant Governor)

S. SEETHARAMAN, Under Secy.

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Home Ministry's Notification No. 24/78/68/DH(S), dated 24-8-68 and all other powers enabling him in this behalf, the Lieutenant Governor, Pondicherry hereby makes the following rules, namely :

PART I—General

1. *Short Title*.—These rules may be called the Pondicherry Police Service Rules 1972.

2. *Definitions*.—In these rules, unless the context otherwise requires—

(a) 'Administration' means the Administrator appointed under article 239 of the Constitution for the Union territory of Pondicherry;

(b) 'Commission' means the Union Public Service Commission;

(c) 'Duty Post' means any post specified in the Schedule and includes a temporary post carrying the same designation as any of the post specified in the Schedule and the scale of pay of which is identical to that attached to Grade II of the Service, and other temporary post declared as duty post by the Administrator;

(d) 'Government' means Administrator of the Union territory;

(e) 'member of the Service' means a person appointed in a substantive capacity to either grade of service and includes a person appointed on probation to Grade II of the Service;

(f) 'Schedule' means the Schedule appended to these rules;

(g) 'Service' means the Pondicherry Police Service.

3. *Constitution of Service and its classification*.—(1) On and from the date of commencement of these rules, there shall be constituted a Central Police Service to be known as the Pondicherry Police Service.

(2) The Service shall have two grades, namely :—

(i) Grade I (Selection Grade); and

(ii) Grade II.

(3) The posts in Grade I shall be Central Civil Posts, Class I Gazetted and those in Grade II shall be Central Civil Posts, Class II Gazetted.

PART II—Authorised Permanent Strength of the Service

4. *Strength of the Service*.—The authorised permanent strength of the Service and the posts included therein shall be as specified in the Schedule.

Provided that the Administrator, subject to such conditions and limitations as may be prescribed in this behalf, may by order, create duty posts for such period as may be specified therein.

PART III—Method of Recruitment

5. *Method of Recruitment.*—(1) Save as provided in rule 17, appointed to the Service shall be made by the following methods, namely :—

- (a) not more than 50 per cent of the substantive vacancies which occur from time to time in the authorised permanent strength of the Service shall be filled by direct recruitment in the manner specified in Part IV of these rules; and
- (b) the remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst—
 - (i) Officers who are substantively borne on the cadre of Inspectors of Police employed in the Union territory of Pondicherry; and
 - (ii) Officers who were considered for appointment to the Service at its initial Constitution, though not actually appointed thereto under rule 17 and who substantively held a post of Deputy Superintendent of Police under the Pondicherry Administration :

Provided that if at any time a sufficient number of suitable officers is not available under clause (b), the requisite number of officers may be appointed to the Service in consultation with the Commission, by transfer of members of a State Police Service :

Provided further that nothing in this rule shall preclude the administrator from holding a vacancy in abeyance, or filling it on an officiating basis in accordance with the provisions in Part VIII of these rules.

- (2) If the exigencies of public service so require, the administrator may, in consultation with the Commission, vary the percentage of vacancies to be filled by each method specified in sub-rule(1).

PART IV—Direct Recruitment

6. *Competitive Examination.*—(1) A competitive examination for direct recruitment to the service shall be held at such intervals as the Administrator may in consultation with the Commission from time to time, determine. The dates on which and the places at which the examination shall be held shall be fixed by the Commission.

- (2) The qualifications for admission to the examination and the conduct thereof shall be in accordance with such regulations as the Administrator may, from time to time, issue in this behalf in consultation with the Commission.

7. *Nature of Examination.*—Until the Administration in consultation with the Commission decides otherwise, the combined competitive examination held by the Commission for recruitment to the Indian Police Service shall be the competitive examination for recruitment to the service.

8. *Decision of the Commission to be final.*—The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

9. *Commission to forward a list in order of merit.*—The Commission shall forward to the Administrator,

a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine, and of the candidates belonging to the Scheduled castes and Scheduled tribes who though not qualified by that standard are declared by the Commission to be suitable for appointment to the service with the regard to the maintenance of efficiency of administration.

10. *Physical fitness.*—No candidate shall be appointed to the service unless he is declared after such medical examination as the Administrator may prescribe, to be in good mental and bodily health and free from any mental or physical defect likely to interfere with the discharge of the duties of the Service.

11. *Inclusion in the list not to confer right to appointment.*—The inclusion of a candidate's name in the lists referred to in rule 9 confers no right to appointment unless the Administrator is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the service and an actual offer of appointment is made.

12. *Order of appointment of candidates in the list.*—Subject to the provisions of these rules, the candidates included in the lists referred to in rule 9 shall be appointed to the service in the order of merit.

PART V—Recruitment by Selection

13. *Constitution of selection Committee.*—Recruitment under clause (b) of sub-rule (1) of rule 5 shall be made on the recommendation of a selection committee (hereinafter referred to as the committee), consisting of—

Chairman

(i) The Chairman or a Member, of the Commission.

Members

- (ii) A nominee of the Ministry of Home Affairs not below the rank of Deputy Secretary;
- (iii) The Chief Secretary to the Government of Pondicherry; and
- (iv) Inspector General of Police, Pondicherry.

14. *Conditions of eligibility and procedure for selection.*—(1) The Committee shall consider from time to time the cases of officers eligible under clause (b) of sub-rule (1) of rule 5, who have served in their respective cadres for not less than two years, and prepare a list of officers recommended taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit and suitability in all respects for appointment to the service with due regard to seniority.

- (2) The names of persons included in the list shall be arranged in order of merit;
- (3) The list so prepared shall be forwarded by the Committee to the Administrator.

15. *Consultation with Commission.*—(1) The list prepared under rule 14 shall be forwarded by the Administrator to the Commission, where consultation with the Commission is necessary, or where the Chairman or the Committee desires that a reference be made to the Commission, along with the relevant regards.

(2) If the Commission considers it necessary to make any changes in the list received from the Administrator, the Commission shall inform the Administrator of the changes proposed.

(3) The list shall finally be approved by the Administrator after taking into account the changes, if any, proposed by the Commission.

(4) The list thus finally approved shall ordinarily be in force until a fresh list is prepared for the purpose in accordance with these rules.

16. *Appointment to the Service* : Appointment to the Service shall be made in the order of merit in the list referred to in sub-rule (4) of rule 15 with due regard to the proportion specified in rule 5.

PART VI—Initial Constitution of the Service

17. *Initial appointment of persons to the service* : (1) The Administrator may, at the commencement of these rules, appoint to the service any person who at such commencement is holding any of the posts specified in the Schedule :

Provided that the appointment to the service of those officers who belong to, or are on deputation from, a service under the Central or a State Government or a Union territory shall be made with their consent and the concurrence of the Department or Government, as the case may be, to which they belong.

Explanation : For the purpose of this sub-rule, a person who would have held a post mentioned in the Schedule but for his being on leave or on foreign service or but for his temporary or officiating appointment to an equivalent or higher post, shall be deemed to be holding such a post.

- (2) (i) For the purpose of appointment of persons referred to in sub-rule (1), the Administrator may require the Committee to make a preliminary selection, from among the officers referred to in that sub-rule, of such of them who in its opinion are suitable for appointment to the service. The names of officers as selected shall be arranged by the Committee in the order of merit with due regard to seniority.
- (ii) The list prepared under clause (i) shall be forwarded by the Committee to the Administrator. Thereupon the Administrator shall forward the same to the Commission along with the relevant records.
- (iii) If the Commission considers it necessary to make any changes in the list received from the Administrator, the Commission shall inform the Administrator of the changes proposed.
- (iv) The list shall finally be approved by the Administrator after taking into account the changes, if any, proposed by the Commission.

(3) Initial appointment to the Service shall be made in the order of merit of persons included in the finally approved list referred to in clause (iv) of sub-rule (2).

PART VII—Appointment, Probation, Training and Confirmation

18. *Appointment* : All appointments to the service shall be made to the Service to Grade I or Grade II of the Service and not against any specific post included in the Service.

19. *Disqualification* : (a) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse shall be eligible for appointment to the service, and

(b) No woman whose marriage is void by reason of her husband having a wife living at the time of such marriage shall be eligible for appointment to the Service.

Provided that the Administrator may if satisfied that there are special grounds for so doing, exempt any person from the operation of this rule.

20. Special provision for Scheduled Castes and Scheduled Tribes :

Appointment to the Service made by direct recruitment shall be subject to the orders regarding special representation in the services for scheduled castes and scheduled tribes issued by the Central Government from time to time.

21. *Period of Probation* : (1) Every person appointed under rule 5 or rule 17 to the Service shall be in on probation for a period of two years.

(2) The Administrator may in the case of any person extend or reduce the period of probation.

(3) A person on probation shall be liable to be discharged from service at any time without assigning any reason, provided that if he holds a lien on any permanent post under the Central Government, a State Government or Government of Pondicherry he shall be liable to be reverted to that post.

(4) A probationer who has no lien on any post under the Central Government or any State Government or Administration of a Union territory shall be liable to be discharged from the Service at any time without notice if,—

- (i) on the basis of his performance or conduct during probation, he is considered unfit for further retention in the Service, or
- (ii) if on the receipt of any information relating to his nationality, age, health or antecedents, the appointing authority is satisfied that he is ineligible or otherwise unfit for being a member of the Service.

(5) A probationer who holds a lien on a post under the Central Government or any State Government or Administration of a Union territory may be reverted to such post at any time in any of the circumstances specified in sub-rule (4).

(6) A probationer who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-rule (1) or at the end of the extended period of probation, if any, under sub-rule (2) shall be discharged or reverted in accordance with sub-rule (4) or sub-rule (5), as the case may be.

22. *Execution of agreement* : A probationer who is required to undergo training shall on appointment to the Service execute an agreement in such form as may be prescribed by the Government from time to time, binding himself and one surety jointly and severally, in the event of his failing to comply with any of the provisions of these rules to the satisfaction of the Government to refund any moneys paid to him consequent on his appointment as a probationer.

23. *Training and departmental examination* : A person appointed under rule 5 or rule 17 to the Service shall undergo such training, and pass during the period of probation such departmental examinations as the Administrator may from time to time prescribe :

Provided that the Administrator may exempt subject to such conditions as it may impose, either wholly or partly from such training or departmental examinations, any person appointed under clause (b) of sub-rule (1) of rule 5 or rule 17.

24. *Confirmation in Service* : A person who has been declared to have satisfactorily completed his period of probation may be confirmed in the service.

PART VIII—Officiating Appointments

25. *Selection for officiating appointments* : If at any time the Administrator is of opinion that the number of officers available in the list referred to in sub-rule (4)

of rule 15 for appointment to duty posts is not adequate having regard to the vacancies in such posts, he may direct the committee to consider the cases of officers who have officiated for a period of not less than three years in any of the cadre mentioned in clause (b) of sub-rule (1) of rule 5 and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub-rules (2) and (3) of rule 14 and rule 15 shall apply *mutatis mutandis* in the preparation of the list under this rule.

26 *Officiating appointment to the Service* (1) If a member of the Service is not available for holding a duty post the post may be filled on an officiating basis—

- (a) by the appointment of an officer included in the list referred to in sub-rule (4) of rule 15, or
- (b) if no such officer is available, by the appointment of an officer included in the list prepared under rule 25

(2) Notwithstanding anything contained in these rules, if the exigencies of service so require a duty post for which a member of the Service is not available, may after consultation with the commission, be filled on an officiating basis by the appointment of an officer belonging to any State Police Service on deputation for such period or periods ordinarily not exceeding three years as the Administrator may consider necessary.

(3) Notwithstanding anything contained in these rules, where appointment to a duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the Administrator from persons who are included in the list prepared under sub-rule (4) of rule 15 or rule 24 or who are eligible for inclusion in such a list.

(4) Any appointment made under sub-rule (3) shall be reported by the Administrator to the Commission forthwith.

PART IX—Miscellaneous

27 *Posting of members of the Service* They member of the Service, unless he is appointed to an ex cadre post, or is otherwise not available for holding a duty post owing to the exigencies of service, be posted against a duty post under the Government of Pondicherry by the Administrator.

28 *Duty post to be held by a member of the service*

Every duty post shall be held by a member of the Service or an Officer appointed to officiate under Part VIII of these rules.

29 *Seniority* The Administrator shall prepare a list of members of the Service arranged in the order of seniority as determined in the manner specified below—

- (1) In the case of persons appointed on the result of competitive examination or by selection under clause (b) of sub-rule (1) of rule 5 seniority in the service shall be determined by the order in which appointments are made to the service.

Provided that—

- (a) Persons recruited on the results of the competitive examination in any year shall be ranked *inter-se* in the order of merit in which they are placed at the competitive examination on the results of which they are recruited these recruited on the basis of an earlier examination being

ranked senior to these recruited on the basis of a later examination.

- (b) the relative seniority *inter-se* of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 14

- (ii) the seniority of members of the service appointed at the initial constitution of the service in accordance with the provisions of Part VI of these rules, shall be determined *ad hoc* by the Administrator in consultation with the Commission due regard being had to the posts previously held by them under the Governments concerned and the length of service rendered by them therein.

Provided that in the case of persons appointed under the proviso to sub-rule (1) of rule 5 or rule 17, if two or more persons belong to the same parent service or department are thus appointed, they shall be ranked *inter se* in the order of their relative seniority in the parent service or department, as the case may be.

- (iii) the relative seniority of direct recruits and of promoted shall be determined according to the rotation of vacancies between direct recruits and promoted which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5

30. *Pay and Allowances* : (1) The scales of pay attached to the Service shall be as follows :

- (i) Grade I (Selection Grade) Rs 700—40—1100—50/2—1250
- (ii) Grade II—Time Scale Rs. 350—25—500—30—590—EB—30—800—EB—30—830—35—900

(2) A person recruited on the results of competitive examination shall, on appointment to the Service, draw pay at the minimum of the time scale.

Provided that if he held a permanent post, other than a tenure post in a substantive capacity prior to his appointment to the Service, his pay during the period of his probation in the Service shall be regulated under the provisions of Fundamental Rule 22-B(1). The pay and increments in the case of other persons appointed to the Service shall be regulated in accordance with the Fundamental Rules.

Provided further that it shall be open to the Administrator to determine the pay of any member of the Service in such manner as the Administrator deems fit in the special circumstances of his case so require.

(3) Dearness and other allowances shall be paid to persons holding duty posts at such rates as may be determined by the Government from time to time.

31 *Appointments to Selection Grade* (1) Appointments of members of the Service to the Selection Grade shall be made in consultation with the Commission on the basis of merit with due regard to seniority.

(2) An Officer with the minimum of 8 years' service in Grade II shall be eligible for being considered for appointment to the Selection Grade :

Provided that service in a duty post or an equivalent post or in a State Police Service shall count towards the 8 year period.

Provided further that where a person is considered for such appointment all persons senior to him in Grade II shall also be considered irrespective of the fact whether or not they fulfil the requirement as to the minimum of 8 years' service.

32. *Regulations* : The Administrator may make regulations not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

33. *Residuary matters* : In regard to matters not specifically covered by these rules or by regulations or orders issued thereunder or by special orders, the members of the service shall be governed by the rules, regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union.

34. *Interpretation* : If any question arises as to the interpretation of these rules, the same shall be decided by the Administrator.

PART X—*Transitional Arrangements*

35. *Power to Relax* : Where the Administrator is of the opinion that it is necessary or expedient so to do, he may by order, for reasons to be recorded in writing and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons or posts.

36. *Removal of difficulties at the initial constitution of the service* : If any difficulty arises during the period of the initial constitution of the service in giving effect to these rules, the Administrator may in consultation with the Commission, by order relax any of the provisions of these rules to the extent necessary for the purpose of removing the difficulty :

Provided that no such order shall be made after the expiry of two years from the date of initial constitution of the service.

THE SCHEDULE

(See Rules 4 & 17)

The authorised permanent strength of the Service and the nature of posts included in it are as follows :

Sanctioned Strength

1. Specific posts under the Government of Pondicherry	5
2. Deputation, leave and training reserve	3
Total	8

The above figures include the following posts :

Grade I (Selection Grade) Posts

1. Adjutant (Home Guards) & Supdt. of Police (H. Qrs.)	1
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Grade II Posts

1. Superintendent of Police, Pondicherry	1
2. Superintendent of Police, Karaikal	1
3. Superintendent of Police (Vigilance)	1
4. Commandant, Pondicherry Armed Police	1
Total	5

Reserves

1. Deputation Reserve at 10% of 5	1
2. Leave Reserve at 10% of 5	1
3. Training Reserve at 10% of 5	1
Total	3

